

**RADICE LAW FIRM, P.C.**

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August 28, 2019

**VIA ECF**

The Honorable Edgardo Ramos  
United States District Judge  
United States District Court for the Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: *Invictus Hyperion v. Menlo, Inc.*, No. 1:19-cv-06146

Dear Judge Ramos:

Pursuant to Fed. R. Civ. P. 6(b)(1)(A) and Local Rule 7.1(d), Defendant Menlo, Inc. hereby moves to extend the time for it to answer, move, or otherwise respond to the Complaint filed by Invictus Hyperion in this action up to and including October 28, 2019 in order to pursue early settlement of this case. Invictus Hyperion does not object to this request. In support of its motion, Defendant states as follows:


1. Plaintiff, Invictus Hyperion, filed its Complaint on July 1, 2019 (ECF No. 1);
2. Defendant, Menlo, Inc., was served July 15, 2019;
3. On August 20, 2018, Defendant moved to extend its time to answer until August 28, 2019 (ECF No. 26) and Defendant's motion was granted by this Honorable Court on August 22, 2019 (ECF No. 27).
4. Since that time, defense counsel has conferred with Defendant Matt Nolan who has agreed to waive service in this case. It is anticipated that Menlo Caymen will also waive service, which would provide them until October 28, 2019 to answer or otherwise plead.
5. Defendants wish to answer on behalf of all served and waived Defendants together and counsel for Invictus Hyperion does not object to this request.
6. Additionally, the parties wish to pursue early settlement of this case and would like to schedule a settlement conference before your honor or his magistrate.
7. As a result, and for good cause shown, Defendant respectfully requests that this Honorable Court extend the deadline for Defendant to respond to the Complaint until and including October 28, 2019 and that the Court set this matter for settlement conference.

8. Invictus Hyperion does not object to the relief requested by this Motion.
9. This motion is made in good faith and not for purposes of delay.

WHEREFORE, Defendant, Menlo Inc., respectfully moves that the Court extend the time for Defendant to answer or otherwise respond to the Complaint until and including October 28, 2019.

Dated: August 28, 2019

Sincerely,



John Radice

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#### **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on August 28, 2019.

/s/ John D. Radice